

# *Solomon River* Review

A Newsletter for the Solomon River Basin Contract Renewal Process

Bureau of Reclamation

Nebraska-Kansas Area Office

January 2001

## **WELCOME BACK!**

Remember back in April 1997, when the Bureau of Reclamation (Reclamation) held scoping meetings at the start of the contract renewal process? We used these meetings to inform you, our public, of the proposed action and to begin identifying existing information, data gaps, and significant issues. We asked you to help identify the problems and opportunities in your area, suggest possible resource management solutions, and indicate your preference for any alternative solutions.

## **WHERE HAVE WE BEEN?**

Initially back in 1996, Reclamation attempted to renew contracts for irrigation districts in two separate river basins, the Republican River Basin and Solomon River Basin, at the same time. This was the Nebraska-Kansas Area Office's (NKAO) first attempt at contract renewal. Shortly into the process, Reclamation determined that contract renewal for irrigation districts in the Republican River Basin was complex and would require that NKAO dedicate extensive time and personnel to the effort. In 1996 contract extension legislation was passed that allowed for the irrigation contracts for Kirwin and Webster Irrigation Districts to be extended an additional four years. Therefore, Reclamation put the contract renewal process for Kirwin and Webster Irrigation Districts on hold for

a short period of time while dedicating its efforts to renewing contracts for the districts in the Republican River Basin. On July 25, 2000, repayment and long-term water service contracts were executed for districts in the Republican River Basin. Reclamation and NKAO personnel are now refocusing our efforts on contract renewal for the Kirwin and Webster Irrigation Districts. Reclamation is required by the Reclamation Act of 1956 to provide irrigation districts holding such contracts a first right to a share of the project's available water supply while meeting the needs of all current applicable laws and policies.

Initially, when we visited with you in 1997, Reclamation planned to complete an EIS and a companion document called a Resource Management Assessment (RMA) for the Solomon Basin. The RMA, if prepared, would have helped determine the status of resources in the Basin and to identify trends. Based on what Reclamation learned during the Republican River contract renewal process, we determined that the time and cost of developing an RMA for the Solomon River contract renewals is not justified.

## **WHEN DO THE CURRENT CONTRACTS EXPIRE?**

As directed by S1649, which was signed into law by President Clinton on October 19, 1996, Reclamation executed contract amendments with Webster Irrigation District No. 4 and Kirwin Irrigation District No. 1 to extend each of their contracts for

an additional four years. Kirwin Irrigation District's contract currently expires on December 31, 2003, and Webster Irrigation District's contract expires on December 31, 2005.

The amendments do not change any of the existing contract provisions, but allow the Districts to continue to receive project water for an additional four years. This ensures local irrigators of water delivery while the Districts and Reclamation continue working on renewal of the existing contracts. Any changes or modifications of provisions in the current contracts will be addressed during contract renewal negotiations.

## WHAT DATA HAVE WE COLLECTED?

Recreational, aquatic, and riparian studies have been conducted within the Solomon River Basin. The data collected will be used in the National Environmental Policy Act (NEPA) analysis for renewal of Kirwin and Webster Irrigation Districts' water service contracts.

The Kansas Department of Wildlife and Parks (KDWP) collected and evaluated recreation use and fishery data at Webster and Kirwin Reservoirs, Waconda Lake, the North and South Forks and mainstem of the Solomon River. The study was designed to assess the present condition of reservoirs and riverine fisheries in the Solomon River Basin. In addition, potential spawning areas and available fish habitat were documented.

The Kansas Biological Survey-Kansas Natural Heritage Inventory (KBS) collected and evaluated a variety of resource data along the North and South Forks and the mainstem of the Solomon River. The project was designed to inventory endangered, threatened, and rare plant and animal species in natural areas (prairies, forests, wetlands, and aquatic environments) within the Solomon River Basin.

All the studies have been completed and reports have been prepared by the KDWP and KBS. If you are interested in obtaining a copy of the reports, please contact Jill Manring at 308-389-4622, extension 214.

## WHERE DOES THE KIRWIN NATIONAL WILDLIFE REFUGE FIT IN?

In June 1954, Reclamation entered into an agreement with the U.S. Fish and Wildlife Service (FWS) which provided that specific lands and waters at Kirwin Reservoir be managed by the FWS as a national wildlife refuge. This agreement allows the FWS to administer the National Migratory Bird Management Program at Kirwin National Wildlife Refuge while retaining the primary project purposes of flood control and irrigation. The *General Plan for Use of Lands of the Kirwin Dam and Reservoir for Wildlife Conservation and Management* documents the specifics of the agreement.

Reclamation has been in contact with FWS personnel at the refuge office concerning possible effects contract renewal may have on the refuge. Reclamation will continue to coordinate the contract renewal process with the FWS in an attempt to minimize potential impacts to the fish and wildlife resources.

## WHAT IS NEPA?

NEPA is short for the National Environmental Policy Act. NEPA was signed into law in 1969 and is our basic national charter for protection of the environment. NEPA is not a mandate for needless and unnecessary accumulation of information and

data; rather, it directs Federal agencies to concentrate upon those issues which are truly significant to the environment. It establishes policy, sets goals, and provides the means for protecting the environment. Regulations instruct Federal agencies on procedures they are required to follow to comply with NEPA. As we work carefully and appropriately to comply with NEPA regulations, the process discloses the direct, indirect, and cumulative effects that proposed actions could have on our physical, biological, social, and economic resources. It also helps Reclamation evaluate those effects. In other words, Reclamation must be environmentally conscious during contract renewal. The word “environment” takes into account all the aspects of the environmental resources within the Solomon River Basin, including economic, social, fish and wildlife, recreational, cultural, and others. Early in the NEPA process, before we know what NEPA documents will need to be prepared, Reclamation must determine the appropriate level of compliance.

NEPA compliance. When a proposed action is listed as a categorically excluded action, a brief categorical exclusion checklist is completed. If the checklist results indicate that no adverse environmental impacts would result from the action, the activity is categorically excluded from further NEPA compliance and it is not necessary to prepare a decision document for the activity.

If the proposed action is not a categorically excluded action, or is listed as one but shown by survey results to pose adverse environmental impacts, the lowest level of compliance is an environmental assessment (EA). An EA is prepared to determine the level of significance of any potential environmental impacts. Proposed actions evaluated in an EA that produce insignificant environmental impacts can generally be documented in a Finding of No Significant Impact (FONSI). A FONSI can also generally be signed if significant environmental impacts exist but are mitigated so as to become insignificant. For example, if wetlands are to be adversely impacted to a significant degree, a commitment to replace those wetlands may be sufficient to justify signing a FONSI rather than preparing an EIS..

## HOW IS THE LEVEL OF NEPA DETERMINED?

For many federal actions, the appropriate level of NEPA compliance is evident. For example, some routine operation and maintenance activities having little or no environmental impact may qualify for a categorical exclusion. Others, like construction of a major dam and reservoir, will require an environmental impact statement (EIS). Other less apparent actions may require a sequential approach to determine the appropriate level of compliance.

Before initiating any federal action, Reclamation reviews its list of categorical exclusions, including those approved for the Department of the Interior. Categorical exclusions are a group of actions that, when considered individually and cumulatively, have little or no environmental impact and are, therefore, excluded from the need to do further

If during the EA process, however, the indications are that the proposed action would result in significant, unmitigated environmental impacts, the action is elevated to the next higher level of NEPA compliance requiring that an EIS be prepared. Significant unmitigated environmental impacts could include such things as jeopardizing the continued existence of a threatened or endangered species, loss of critical or unique habitat, loss of prime agricultural lands, and loss of stream habitat through inundation. Additionally, an EA may be elevated to an EIS if: (1) the proposed action generates significant controversy or (2) the action becomes the subject of litigation. The commitments outlined in the EIS are summarized in a document known as the Record of Decision (ROD). This document officially completes the NEPA process and, in the case of contract renewal, allows for contracts to be executed.

## WHAT DOCUMENT WILL BE PREPARED FOR THE SOLOMON BASIN?

The renewal of two water service contracts in the Solomon River Basin constitutes a federal action. Such an action requires the preparation of a NEPA document. Because long-term water service and/or repayment contracts for large amounts of water are not included in our list of categorical exclusions, Reclamation will initiate the NEPA compliance process with a draft EA.

## WHAT IS AN ENVIRONMENTAL ASSESSMENT (EA)?

An EA is a concise document which provides sufficient evidence and analysis to determine whether to prepare a Finding of No Significant Impact (FONSI) or if it will be necessary to elevate the process to the next higher level and prepare an EIS. A FONSI document briefly presents the reasons why a proposed activity will not have a significant effect on the human environment.

According to NEPA regulations, issues which could elevate the process to an EIS level would be (1) cultural resources, (2) Indian Trust Assets, (3) sufficient public controversy (factual disputes), or (4) significant environmental impacts. Because none of these issues are present in the Solomon Basin, Reclamation has determined that an EA will be prepared.

Concerning the issue of threatened or endangered species, there have been confirmed sightings of endangered interior least tern birds nesting at Kirwin

Reservoir. However, Reclamation has been in contact with the Fish and Wildlife Service and they do not anticipate that contract renewal activities will have any significant impact on future use of the reservoir by interior least terns. There are no other significant or endangered species issues within the Basin.

Therefore, barring any unforeseen issues, Reclamation expects that upon completion of the EA, a FONSI document will be prepared. This would complete the NEPA portion of the process for renewing water service contracts within the Solomon River Basin.

## WHAT COMMENTS DID WE GATHER AT THE INITIAL SCOPING MEETINGS?

The complete listing of comments collected at the meetings held in April 1997 at Beloit, Osborne, and Phillipsburg, Kansas, can be viewed on the Internet at Reclamation's Great Plains Region homepage - [www.gp.usbr.gov](http://www.gp.usbr.gov). Click on **Public Involvement** and then on **Solomon Basin Contract Renewal**. The comments gathered at the meetings and in subsequent letters generally fall within the following broad categories:

- a. Conservation/Farming Practices/Efficiencies
- b. Reservoir Operations and Management/Water Levels/Releases
- c. Economic Benefits/Agriculture, Recreation, Municipal, Wildlife, and Local Community Impacts
- d. Management of Kirwin National Wildlife Refuge
- e. Cost of Water/What Determines/Who Pays
- f. Water Quality
- g. Contract Renewal - Terms and Conditions
- h. Competing Uses

## **WILL THERE BE NEW PUBLIC MEETINGS?**

Yes, there will be meetings from 6:30 to 9:30 p.m. On January 17 in Stockton, Kansas, at the Stockton High School Gymnasium and January 18 in Gaylord, Kansas, at the Gaylord Community Center.

Public involvement is important to the NEPA compliance process because it helps Reclamation accumulate existing information, determine the range of significant issues, develop alternatives, and complete the decision-making process. Since we will now be preparing an EA rather than an RMA and because our initial scoping meetings were held in April of 97, we plan to hold additional meetings. Also, we have received letters from many of you expressing concerns or providing suggestions for future operations at the reservoirs. At the upcoming meetings we want to take the opportunity to visit with local folks, interested publics, and other users. In addition to gathering your input, we also want to try to explain some of the complicated pieces of the puzzle which fit together to form the contract renewal process.

With these objectives in mind, the meetings will open with a brief presentation by Reclamation personnel which will include topics such as water rights, authorized project purposes, NEPA, water levels, efficiencies, and the negotiation process itself. We will also have information stations set up around the room which will include: (1) fish and wildlife/recreation/resources, (2) contract negotiations/renewal, and (3) economics. Following Reclamation's presentation, guests are welcome to speak directly with Reclamation personnel at any of the three stations about issues, ideas, and or questions. Any comments you wish to make can be recorded at the respective stations. If you prefer not to make your comments orally or do not wish to stay after the presentation, you can obtain a comment card at the registration table and place it in the comment box located there. The complete set of comments from both meetings will

be posted on Reclamation's web site at the address referenced above or they can be obtained by contacting Judy O'Sullivan at the address shown at the end of this newsletter. Also at the registration table, meeting guests will have the opportunity to indicate their interest in receiving a copy of the Draft Environmental Assessment when it is completed.

We have chosen this combination meeting/open house format because the contract renewal process is complicated with many related issues and conflicting considerations which can lead to confusion and some misinformation. We want to provide basic information to help you become more knowledgeable about contract renewal and help you feel more comfortable with the process. In addition, the open house following the presentation will allow you to talk directly with someone in your area of interest. It also allows meeting guests to attend just the brief information session and leave if they wish.

For any of those who are not able, or do not wish to attend the January meetings, there is a comment section at the end of this newsletter that you can fill out and mail to the address shown.

## **THEN WHAT? WHERE ARE WE HEADED AFTER THE MEETINGS?**

Listed below are critical activities Reclamation has scheduled to facilitate the contract renewal process along with proposed time frames for completion. In addition, numerous other activities associated with the contract renewal process will be proceeding concurrently:

### **Spring and Early Summer of 2001**

- Contract Negotiation Sessions between Reclamation and the Irrigation Districts



## Late Summer and Early Fall of 2001

- Preparation of Draft Environmental Assessment (DEA)
- Opportunity for 30 Day Public Comment Period on DEA

## Early in 2002

- Draft EA Document is Finalized
- Contracts Executed with Kirwin and Webster Irrigation Districts

### COMMENT SECTION:

Your continued input is essential to the success of the contract renewal process. Please direct your comments or questions to Judy O’Sullivan, Public Involvement Specialist, at 308-389-4622, ext. 211, or fill in this form, detach and return it in an envelope to the Bureau of Reclamation, Attention: Judy O’Sullivan, P.O. Box 1607, Grand Island, NE 68802.

Name (Optional) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Comments:

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